

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PETER WEBER

v.

PACT XPP TECHNOLOGIES, AG

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§
§

Case No. 2:13-CV-0995-JRG-RSP

ORDER ADOPTING FINDINGS AND RECOMMENDATION GRANTING
DEFENDANT'S MOTION TO DISMISS ON GROUNDS OF
FORUM NON CONVENIENS

Before the Court is Plaintiff's Objections to the Magistrate Judge's Findings and Recommendations ("Plaintiff's Objections") (Dkt. No. 64). After reviewing Plaintiff's Objections, the Court finds the Magistrate Judge's rulings neither "clearly erroneous [n]or contrary to law." 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a). The Court specifically notes that most of the arguments are based on facts not previously argued in the briefs and not pleaded in the Complaint. Such matters beyond the scope of the pleadings are not a proper basis for objections. Accordingly, Plaintiff's objections are **OVERRULED** and the Magistrate Judge's Order Granting Defendant's Motion to Dismiss on Grounds on *Forum Non Conveniens* (Dkt. No. 63) is hereby **ADOPTED**. This action is hereby **DISMISSED WITHOUT PREJUDICE** to refiling same in an appropriate court in Germany.

So Ordered and Signed on this

Mar 23, 2015



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE